

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Daniel S. Floyd

Docket No. 5:13-MJ-1877-1

Petition for Action on Probation

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment of Daniel S. Floyd, who, upon an earlier plea of guilty to Driving While Impaired - Level 5, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable Robert T. Numbers, II, U.S. Magistrate Judge, on February 3, 2016, to a 12-month term of supervised probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service during the first 30 days of supervision as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Floyd is a resident of the Northern District of New York and he is currently being supervised by United States Probation Officer Stephanie Meyers in that district. On February 11, 2016, during his initial orientation, he submitted a urine sample that tested positive for marijuana and opiate use. Floyd admitted to being a daily marijuana user and occasional user of Lortab. Officer Meyers has requested that the conditions of supervision be modified to add conditions that they believe will allow them to provide better supervision in this case. Additionally, they have requested a transfer of jurisdiction if the court agrees.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. You shall refrain from the use of alcohol and be subject to alcohol testing and treatment while under supervision.

2. You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.
3. You shall participate in a program for substance abuse which shall include testing for use of controlled substances, controlled substance analogues, and alcohol. This may include outpatient treatment as recommended by the treatment provider based upon your risk and needs. You may also be required to participate in inpatient treatment up recommendation of the treatment provider and upon approval of the Court. The probation office shall approve the location, frequency, and duration of outpatient treatment. You shall abide by the rules of any treatment program which may include abstaining from the use of any alcohol. You shall contribute to the cost of any evaluation and/or treatment in an amount to be determined by the probation officer based on your ability to pay and the availability of third party payments.
4. Do not enter, remain in, or patronize any establishment whose business or purpose is the provision or sale of alcoholic beverages for on-site consumption, including, but not limited to bars, taverns, lounges, and nightclubs. This prohibition applies to the bar section of any restaurant.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Robert K. Britt

Robert K. Britt
Supervising U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: February 19, 2016

ORDER OF COURT

Considered and ordered on February 22, 2016 . It is further ordered that this document shall be filed and made a part of the records in the above case.



Robert T. Numbers, II

United States Magistrate Judge